S.B. Civil First Appeal No. 168/07
B.S.E. Ltd. & Ors. Vs Vikas WSP Ltd.

Date of order : 25.4.2007

HON'BLE MR. BHAGWATI PRASAD, J.

Mr. Jagdish Vyas for the appellants.
Mr. B.L. Purohit for the respondent.

Heard.

Learned counsel for the appellants states that this Court to decide the point whether the civil court has jurisdiction or not.

Learned counsel for the respondent states that the main cause of concern of the appellant is that he was not permitted to lead evidence.

I have considered the submissions of both the learned counsel. This Court is of the opinion that the case should not have been decided without giving opportunity to lead evidence by the appellant and, therefore, the matter deserves to be tried again. The order impugned is set aside and the matter is remanded for fresh consideration by the trial court after permitting the appellant to lead evidence. Both the parties will appear before the trial court on 05.5.2007.

All the questions will be available to be agitated before the trial court. For any other relief and grievance, learned counsel for the appellant may move to the trial court including permission to cross examine the witness of the respondent.

The appeal is disposed of.

(BHAGWATI PRASAD), J.

ns.